

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROB L. NEWBY, #1238216 §
VS. § CIVIL ACTION NO. 6:07cv197
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Plaintiff Rob L. Newby, a prisoner confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil action. The lawsuit was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the lawsuit should be dismissed because the Plaintiff had not complied with an order to submit his claims on the standardized § 1983 lawsuit adopted by the Court and had neither paid the filing fee of \$350 nor submitted an application to proceed *informa pauperis*. The Plaintiff filed objections asserting that he had never received the order, thus a copy of the order was mailed to him and the deadline for compliance was extended to August 16, 2007. As of today, he still has not complied with the order of the Court nor offered any explanation for such failure.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** without prejudice for failure to obey an order of the Court and for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. The Plaintiff may file a new lawsuit regarding his claims, but he must submit his claims on the standardized § 1983 lawsuit form and submit either the \$350 filing fee or an application to proceed *in forma pauperis*. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 22nd day of August, 2007.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "L" on the left and a "D" on the right.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE